

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter A. Quigley et al.

Serial No.: 10/051,624

Filed: January 18, 2002

For: Composite Spoolable Tube with
Sensor

Art Unit: 1771

Examiner: E. Cole

Atty. Docket: FPY-048.03 (22823-4803)

#7

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile (703) 872-9310, Attn: Examiner Elizabeth M. Cole, U.S. Patent and Trademark Office, Washington, D.C. 20231 on this date: December 27, 2002.


Joan F. Meagher

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Sir:

In response to the Office Action dated September 27, 2002, Applicant submits the following remarks. Claims 47-97 are pending in the application.

Double Patenting Rejection of Claims 47-97

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over at least claim 1 of U.S. Patent No. 6,004,639.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,921,285.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

20/529276.1

FPY-048.03
Art Unit 1771

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,361,299.

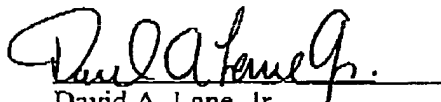
Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

Conclusion

In view of the arguments set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephonic conversation with the Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (617) 832-1197.

Respectfully submitted,

FOLEY HOAG, LLP



David A. Lane, Jr.,
Registration No. 39,261
Attorney for Applicants

Date: December 27, 2002

Customer Number 25181
Patent Group
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155 Seaport Boulevard
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Tel.: (617) 832-1000
Fax: (617) 832-7000



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

Fax

Date: December 27, 2002

To: Examiner Elizabeth Cole

Fax #: (703) 872-9310

Confirm#: (703) 308-2414

Client Matter#: 22823-4803

From: David A. Lane, Jr.

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Total Pages Sent (Including Cover Sheet): 8

Office: Boston

Message

Transmitted herewith in connection with U.S.S.N. 10/051,624 are the following documents:

Transmittal Form (1 pg);

Fee Transmittal Form (1 pg);

Response (2 pgs);

Terminal Disclaimer re: Pat. No. 6,004,639 (1 pg);

Terminal Disclaimer re: Pat. No. 5,921,285 (1 pg);

Terminal Disclaimer re: Pat. No. 6,361,299 (1 pg); and
this cover sheet.

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Foley Hoag LLP www.foleyhoag.com

Received from < > at 12/27/02 11:44:51 AM [Eastern Standard Time]

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (06-00)

Approved for use through 10/31/2002. OMB 0651-0031

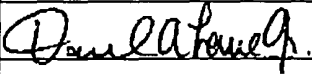
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/051,624
	Filing Date	January 18, 2002
	First Named Inventor	Peter A. Quigley
	Group Art Unit	1771
	Examiner Name	E. Cole
Total Number of Pages in This Submission	Attorney Docket Number	FPY-048.03 (22823-4803)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application. <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Terminal Disclaimer re: Pat. No. 6,004,639 - Terminal Disclaimer re: Pat. No. 6,921,286 - Terminal Disclaimer re: Pat. No. 6,361,299 - Fax Cover Sheet
Remarks		Customer No 25181

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David A. Lane, Jr., Reg. No. 39,261
Signature	
Date	December 27, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

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Typed or printed name	Joan E. Meagher		
Signature		Date	December 27, 2002

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PTO/SB/H7 (10-01)
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$) \$330.00

Application Number 10/051,624
Filing Date January 18, 2002
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METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																		
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 05-1448</p> <p>Deposit Account Name Foley Hoag</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>480</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td></td></tr> <tr><td>123</td><td>60</td><td>123</td><td>30</td><td></td></tr> <tr><td>126</td><td>100</td><td>126</td><td>100</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td></td></tr> <tr><td>178</td><td>740</td><td>279</td><td>370</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td></td></tr> </tbody> </table> <p>Other fee (specify) <u>Three Terminal Disclaimers</u></p> <p>330</p>		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65		127	50	227	25		139	130	139	130		147	2,520	147	2,520		112	920*	112	920*		113	1,840*	113	1,840*		115	110	215	55		116	400	216	200		117	920	217	480		118	1,440	218	720		128	1,960	228	980		119	320	219	160		120	320	220	160		121	280	221	140		138	1,510	138	1,510		140	110	240	55		141	1,280	241	640		142	1,280	242	640		143	460	243	230		144	620	244	310		122	130	122	130		123	60	123	30		126	100	126	100		581	40	581	40		146	740	246	370		149	740	249	370		178	740	279	370		169	900	169	900	
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<p>For number previously paid, if greater, For Reissues, see above</p>		<p>Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)</p> <p>330</p>																																																																																																																																																		

SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Devon A. Lane, Jr.	Registration No. Attorney/Agent	39,261
Signature	<i>Devon A. Lane, Jr.</i>	Telephone	617-832-1197
		Date	December 27, 2002

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